

SENATE BILL 365

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HB 624/03 - JUD

2004 Regular Session
4r1721
CF HB 24

By: **Senators Giannetti, Britt, Brochin, DeGrange, Garagiola, Grosfeld,
Jimeno, Kelley, Middleton, Schrader, Stone, and Teitelbaum**

Introduced and read first time: February 4, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 24, 2004

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Animal Cruelty - Dogfighting and Cockfighting**

3 FOR the purpose of prohibiting a person from knowingly attending as a spectator a
4 deliberately conducted event that uses a fowl, cock, or other bird to fight with
5 another fowl, cock, or other bird; prohibiting a person from possessing, owning,
6 selling, transporting, or training a dog or a fowl, cock, or other bird with the
7 intent to use the animal for certain purposes; prohibiting a person from
8 possessing certain implements or devices relating to a fowl, cock, or other bird
9 fighting with another fowl, cock, or other bird under certain circumstances;
10 prohibiting a person from knowingly allowing certain premises to be used to
11 conduct dogfights or fights between fowl, cocks, or other birds; prohibiting a
12 person from arranging or conducting a dogfight or a fight in which a fowl, cock,
13 or other bird fights another fowl, cock, or other bird; defining certain terms;
14 authorizing a court to order psychological counseling under certain
15 circumstances; establishing certain penalties; and generally relating to animal
16 cruelty, dogfighting, and cockfighting.

17 BY repealing and reenacting, with amendments,
18 Article - Criminal Law
19 Section 10-605, 10-607, and 10-608
20 Annotated Code of Maryland
21 (2002 Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Criminal Law

2 10-605.

3 (a) A person may not knowingly attend a deliberately conducted dogfight as a
4 spectator.

5 (B) A PERSON MAY NOT KNOWINGLY ATTEND AS A SPECTATOR A
6 DELIBERATELY CONDUCTED EVENT THAT USES A FOWL, COCK, OR OTHER BIRD TO
7 FIGHT WITH ANOTHER FOWL, COCK, OR OTHER BIRD.

8 [(b)] (C) (1) A person who violates this section is guilty of a misdemeanor
9 and on conviction is subject to imprisonment not exceeding 90 days or a fine not
10 exceeding \$1,000 or both.

11 (2) As a condition of sentencing, the court may order a defendant
12 convicted of violating this section to participate in and pay for psychological
13 counseling.

14 10-607.

15 (a) A person may not:

16 (1) use or allow a dog to be used in a dogfight; [or]

17 (2) arrange or conduct a dogfight;

18 (3) POSSESS, OWN, SELL, TRANSPORT, OR TRAIN A DOG ~~FOR THE~~
19 ~~PURPOSE OF BEING USED~~ WITH THE INTENT TO USE THE DOG IN A DOGFIGHT; OR

20 (4) KNOWINGLY ALLOW PREMISES UNDER THE PERSON'S OWNERSHIP,
21 CHARGE, OR CONTROL TO BE USED TO CONDUCT A DOGFIGHT.

22 (b) (1) A person who violates this section is guilty of the felony of aggravated
23 cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years
24 or a fine not exceeding \$5,000 or both.

25 (2) As a condition of sentencing, the court may order a defendant
26 convicted of violating this section to participate in and pay for psychological
27 counseling.

28 10-608.

29 (a) (1) IN THIS SECTION, "IMPLEMENT OF COCKFIGHTING" MEANS ANY
30 IMPLEMENT OR DEVICE INTENDED OR DESIGNED:

31 (I) TO ENHANCE THE FIGHTING ABILITY OF A FOWL, COCK, OR
32 OTHER BIRD; OR

1 (II) FOR USE IN A DELIBERATELY CONDUCTED EVENT THAT USES A
2 FOWL, COCK, OR OTHER BIRD TO FIGHT WITH ANOTHER FOWL, COCK, OR OTHER
3 BIRD.

4 (2) "IMPLEMENT OF COCKFIGHTING" INCLUDES:

5 (I) A GAFF;

6 (II) A SLASHER;

7 (III) A POSTIZA;

8 (IV) A SPARRING MUFF; AND

9 (V) ANY OTHER SHARP IMPLEMENT DESIGNED TO BE ATTACHED IN
10 PLACE OF THE NATURAL SPUR OF A GAMECOCK OR OTHER FIGHTING BIRD.

11 (B) A person may not:

12 (1) use or allow the use of a fowl, cock, or other bird to fight with another
13 animal;

14 (2) POSSESS, WITH THE INTENT TO UNLAWFULLY USE, AN IMPLEMENT
15 OF COCKFIGHTING;

16 (3) ARRANGE OR CONDUCT A FIGHT IN WHICH A FOWL, COCK, OR OTHER
17 BIRD FIGHTS WITH ANOTHER FOWL, COCK, OR OTHER BIRD;

18 (4) POSSESS, OWN, SELL, TRANSPORT, OR TRAIN A FOWL, COCK, OR
19 OTHER BIRD ~~FOR THE PURPOSE OF ENGAGING IN FIGHTING WITH THE INTENT TO~~
20 USE THE FOWL, COCK, OR OTHER BIRD IN A COCKFIGHT; OR

21 (5) KNOWINGLY ALLOW PREMISES UNDER THE PERSON'S OWNERSHIP,
22 CHARGE, OR CONTROL TO BE USED TO CONDUCT A FIGHT IN WHICH A FOWL, COCK,
23 OR OTHER BIRD FIGHTS WITH ANOTHER FOWL, COCK, OR OTHER BIRD.

24 [(b)] (C) (1) A person who violates this section is guilty of the felony of
25 aggravated cruelty to animals and on conviction is subject to imprisonment not
26 exceeding 3 years or a fine not exceeding \$5,000 or both.

27 (2) As a condition of sentencing, the court may order a defendant
28 convicted of violating this section to participate in and pay for psychological
29 counseling.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 2004.

